

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 584
Committee Substitute Favorable 5/4/21

Short Title: Vet. Posttraumatic Stress/Mitigating Factor.

(Public)

Sponsors:

Referred to:

April 19, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A COURT MAY CONSIDER POSTTRAUMATIC STRESS
3 DISORDER AS A MITIGATING FACTOR WHEN SENTENCING A PERSON WHO IS
4 A VETERAN.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-1340.16(e) reads as rewritten:

7 "(e) Mitigating Factors. – The following are mitigating factors:

8 ...

9 (14a) The defendant has been diagnosed as suffering from Posttraumatic Stress
10 Disorder resulting from the defendant's military service and is undergoing
11 professional treatment for that condition. As used in this section,
12 "Posttraumatic Stress Disorder" is defined in the same manner as in the
13 Diagnostic and Statistical Manual of Mental Disorders, 5th Edition: DSM-5,
14 or subsequent editions published by the American Psychiatric Association,
15 occurring as a result of the defendant's service in one or more military combat
16 zones. The defendant shall provide to the court documentary evidence that the
17 defendant has done all of the following:

18 a. Served in the Armed Forces of the United States in a combat zone, as
19 the term is defined in 26 U.S.C. § 112. Proof of service shall consist
20 of either a certification by the Secretary of Military and Veterans
21 Affairs or a United States Department of Defense Form DD-214.

22 b. Been diagnosed with Posttraumatic Stress Disorder connected to the
23 defendant's service in the Armed Forces of the United States of
24 America.

25"

26 **SECTION 2.** This act becomes effective December 1, 2021, and applies to
27 offenses committed on or after that date.



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